

14A

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,946	SMADI ET AL.	
	Examiner	Art Unit	
	Tai Duong	2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-15.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims

In claim 6, line 3, "said bottle" has been changed to --said vessel --.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

Claim 1 is allowed over the prior art because none of the prior art discloses or suggests a packaged consumer product contained in a vessel having an inner surface and an outer surface, wherein the consumer product includes a surfactant that exists in a liquid crystalline phase capable of exhibiting optical birefringence, and wherein a portion of the consumer product is effectively disposed between two layers of light-polarizing film, so as to enable observation of the visual effects of birefringence to a consumer when said packaged consumer product is disposed in a selected retail setting. Claims 2-14 are also allowed since they depend on claim 1.

Claim 15 is allowed over the prior art because none of the prior art discloses or suggests a method for displaying optical birefringence in a retail product within a retail setting which comprises: a) providing a product contained in a vessel labeled for retail sale, said vessel having an inner surface and an outer surface, said product including a liquid crystalline phase surfactant which exhibits optical birefringence, and wherein said vessel is configured so that a portion of said product contained within said vessel is effectively disposed between two layers of light-polarizing film; and b) providing light to impinge upon said vessel.

Nickel et al and Kumar et al both disclose a packaged consumer product contained in a vessel having an inner surface and an outer surface, wherein the consumer product includes a surfactant that exists in a liquid crystalline phase capable of exhibiting optical birefringence. However, Nickel and Kumar do *not* disclose the

feature "a portion of the consumer product is effectively disposed between two layers of light-polarizing film, so as to enable observation of the visual effects of birefringence to a consumer when said packaged consumer product is disposed in a selected retail setting" or the feature "said vessel is configured so that a portion of said product contained within said vessel is effectively disposed between two layers of light-polarizing film; and providing light to impinge upon said vessel".

Frank discloses a bottle having on its outer surface an active display which includes a label containing images. However, Frank does *not* disclose the features "a liquid crystalline phase surfactant which exhibits optical birefringence" and "a portion of the consumer product is effectively disposed between two layers of light-polarizing film, so as to enable observation of the visual effects of birefringence to a consumer when said packaged consumer product is disposed in a selected retail setting".

.Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TVD  
06/06

  
TQANTON  
PRIMARY EXAMINER